



APPLICATION FOR ACTIVITY AND USE RESTRICTION (AUR)

AN ACTIVITY AND USE RESTRICTION (AUR) is implemented under Env-Or 608 at sites where a Department of Environmental Services (DES) approved remedial action relies on the restriction of site activities and uses to achieve or maintain protection of human health and the environment.

SUBMIT:

- ONE SIGNED AND COMPLETED APPLICATION
- SUPPORTING INFORMATION
- PROPOSED AUR DOCUMENT (USING DES APPROVED TEMPLATE)

TO:

NHDES Waste Management Division
Site Remediation Programs
PO Box 95, 29 Hazen Drive
Concord, NH 03302-0095

If you have any questions, contact Karlee Kenison at (603) 271-6542.

I. Site Information

Site Name: _____ DES Site # _____
Address: _____
City: _____ State: _____ Zip: _____
Tax Map: _____ Lot Number: _____
Deed Reference: _____ County: _____ Book and Page: _____

II. Site Owner Information

Site Owner Name: _____ Phone: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Fax #: _____

III. Contact Person Information (complete only if different than site owner)

Contact Person Name: _____ Phone: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Fax #: _____

V. Supporting Information

(Check Yes, "Y," if information is enclosed, or Not Applicable, "N/A," if requested information does not apply.)

Y N/A

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|--------------------------|--------------------------|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. | Where the AUR applies to an entire lot, include at least one of the following: |
| | | a. | Recordable plan of the site prepared by a New Hampshire registered land surveyor OR |
| <input type="checkbox"/> | <input type="checkbox"/> | b. | A reference by book and page number to a survey plan of the lot that has been recorded or registered in the registry of deeds for the county in which the site is located OR |
| <input type="checkbox"/> | <input type="checkbox"/> | c. | A reference by book and page number to a property description of the lot that has been recorded or registered in the registry of deeds for the county in which the site is located. |
| | | 2. | Where the area subject to the AUR comprises only a portion of a lot, include both of the following: |
| <input type="checkbox"/> | <input type="checkbox"/> | a. | A metes and bounds description of the restricted area AND |
| <input type="checkbox"/> | <input type="checkbox"/> | b. | A recordable plan, prepared by a New Hampshire registered land surveyor that shows the location of the restricted area in relation to the property boundaries of the site. |
| <input type="checkbox"/> | | 3. | The time period during which the AUR shall be effective. |
| <input type="checkbox"/> | | 4. | A precise description of the site activities and uses that will be prohibited on the site and allowed on the site. |
| <input type="checkbox"/> | | 5. | A description of how the restrictions will eliminate the risks to human health and the environment. |
| <input type="checkbox"/> | | 6. | A precise description of the measures which will be taken to ensure compliance with the AUR. |
| <input type="checkbox"/> | | 7. | A description of the procedures to be followed when an emergency requires immediate excavation of contaminated soil, or to respond to other types of emergencies that might result in a significant risk to human health, evaluated pursuant to the procedure specified in Env-Or 606.19(d)(2) and (3), from exposure to contaminants at the site, which shall include: |
| | | a. | Notifying the Department of Environmental Services of such emergency condition AND |
| | | b. | Limiting disturbance of contaminated media to the minimum necessary to adequately respond to the emergency AND |
| | | c. | Undertaking specified precautions to reduce exposure of workers and neighbors of the site to contaminated media AND |
| | | d. | Preparation and implementation of a written plan for restoring the site to a condition consistent with the AUR. |
| <input type="checkbox"/> | | 8. | An acknowledgement by the applicant that the AUR shall run with the land pursuant to Env-Or 608.01(b)(3). |
| <input type="checkbox"/> | | 9. | An analysis of the long-term feasibility of maintaining the AUR. |

V. Supporting Information (continued)

Y

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10. An acknowledgment by the applicant to incorporate either in full or by reference the AUR into all deeds, easements, mortgages, leases, licenses, occupancy agreements, or any other instruments conveying an interest in and/or a right to use the property pursuant to Env-Or 608.01(b)(2).

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11. The procedures for modifying and terminating the AUR pursuant to Env-Or 608.06 and Env-Or 608.07.

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12. Title reference by which the property owner(s) acquired title to the property.

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13. A schedule for self-certifying compliance with the AUR pursuant to Env-Or 608.01(e).

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14. The proposed AUR document that will be recorded if the AUR application is approved, including a block for the property owner(s) notarized signature (use DES template).

VI. AUR Issuance Information

1. Within 90 days from the receipt of a complete AUR application, DES shall notify the applicant in writing of its decision to approve or deny the application OR notify the applicant in writing that the information submitted is not sufficient to make a decision and request additional information from the applicant.
2. DES shall approve an AUR application if the application contains all items required by Env-Or 608.03 and the proposed AUR is consistent with Env-Or 608.01(b).
3. An AUR that is approved by DES shall become effective upon recordation.
4. Within 30 days of the date DES approves the AUR application pursuant to Env-Or 608.02(c), the applicant shall provide notice of the AUR to current holders of any interest in the site of the existence and location of the contamination subject to the AUR. Notice sent pursuant to the above shall be on a form provided by DES and via certified mail, return receipt requested.
5. Within 60 days of the date on which DES approves the AUR application pursuant to Env-Or 608.02(c), the applicant shall sign and acknowledge the document AND record the AUR document and a site plan prepared in accordance with Env-Or 608.03(a)(2) or (a)(3), (as applicable), in the registry of deeds on the chain of title for each lot that is subject to the AUR.
6. Within 30 days of recordation, the applicant shall submit a copy of the recorded AUR document and site plan to DES and the governing body of the municipality in which the site is located.

VII. Certification

To the best of my knowledge, the data and information that I have submitted to obtain the Activity and Use Restriction (AUR) from the New Hampshire Department of Environmental Services are true and correct.

Date: _____ **Signature:** _____
Applicant

Name: (print or type): _____

No liability is incurred by the State by reason of any approval for an Activity and Use Restriction (AUR). Approval by the New Hampshire Department of Environmental Services is based on the information supplied by the applicant. No guarantee is intended or implied by reason of any advice given by DES or its staff.